



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,274	11/25/2003	Peter J. Ford	884A.0025.U1(US)	2959
29683 7590 09/17/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212				
EXAMINER ELCENKO, ERIC J				
ART UNIT 2617		PAPER NUMBER		
MAIL DATE 09/17/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive. The applicant argues the claimed subject matter of a user being able to set up a new parallel channel is supported by the specification. The applicant describes the parts of the specification to which the office has explained how they do not provide support for the subject matter. The first section is applicant's specification page 8, Ln 11-14. This section described a new channel being used that runs parallel to the voice channel used for the telephone call. The second section, page 7, Ln 7-15, describes a destination address being automatically determined and a processor which interrogates a database using the telephone number stored to obtain a destination address. Neither of these passages have support for, "**a user selectable option to set up a new channel** that runs in parallel with a voice channel." There is no mention of a user being able to make a choice to have the new channel setup to communicate on that is parallel to the voice channel. Selecting a "send to caller" option does not support a user making a choice to set up a new channel. A user being able to make a selection to choose an option to start a new parallel channel or not is not the same as a new channel being automatically set up. A user, as described in applicant's specification, would have no idea as to the background work being done in channel preparation for communication much less having an individual choice to setup a new parallel channel.
2. Applicant argues on page 10 of the filed arguments, Paik does not teach caller identifier information as being a destination address. Applicant states Paik as identifying the mobile station which originated a communication teaches against a

destination address. The examiner respectfully disagrees. The originating mobile station as identified in both Lin and Lielbridis are the targets of the sent data. Paik teaches the specific lookup of the identifier information from a database. The identifier information as described in Lielbridis is transmitted to the mobile in the address data space of a short message. The address information is analogous in this case to the identifier information. When the mobile in Lielbridis responds to the other mobile in which it is communicating, the received originating address is the destination address and the identifying information is returned in the address data space of the response. The two mobiles use as their identifying information, the return addresses of the mobiles. (Lielbridis Para 9-11) Therefore it is obvious to one of ordinary skill in the art that an address that is being sent as where a message should be returned to is a destination of the message being sent to the other mobile, which is given by the communicating mobile.

3. The applicant further argues on page 11 of the presented arguments, the actions are not taken in response to a telephone call. Lin teaches establishing an audio communication prior to pushing data to the communicating mobile. To one of ordinary skill in the art, an audio communication being established is interpreted as a telephone call. The audio establishment begins the process by which the data is being sent, therefore, the subsequent actions with the other mobile terminal in the communication are taken as a consequence to a connection being established. (Lin Abs)

4. The three prior art references teach the communication of audio and data of an established communication between two terminals. In response to applicant's

arguments against the references individually as on page 11 of the presented arguments, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The features described by the references are all well known techniques of prior art in regard to communication between two terminals. The storage of identifier information of mobile terminals in a memory/database and the lookup of said information does not take away from the scope of the presented references nor does it alter the method embodied by said references. Information contained in a connection establishment as described above is obvious to one of ordinary skill in the art as an identifier being analogous to a way to connect to a mobile terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC ELCENKO whose telephone number is (571)272-8066. The examiner can normally be reached on M-F 7:30 AM through 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric Elcenko/